

116TH CONGRESS
2D SESSION

S. 3392

To expand and improve access to trauma-informed mental health interventions for newly arriving immigrants at the border, to alleviate the stress of and provide education for border agents, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 4, 2020

Mr. MERKLEY (for himself, Mr. MARKEY, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To expand and improve access to trauma-informed mental health interventions for newly arriving immigrants at the border, to alleviate the stress of and provide education for border agents, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Immigrants’ Mental
5 Health Act of 2020”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Health Re-
3 sources and Services Administration of the Depart-
4 ment of Health and Human Services.

5 (2) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on Appropriations of
9 the Senate;

10 (B) the Committee on Homeland Security
11 and Governmental Affairs of the Senate;

12 (C) the Committee on Health, Education,
13 Labor, and Pensions of the Senate;

14 (D) the Committee on Appropriations of
15 the House of Representatives;

16 (E) the Committee on Homeland Security
17 of the House of Representatives; and

18 (F) the Committee on Energy and Com-
19 merce of the House of Representatives.

20 (3) ASSISTANT SECRETARY.—The term “Assist-
21 ant Secretary” means the Assistant Secretary
22 Health and Human Services for Mental Health and
23 Substance Use.

24 (4) CBP.—The term “CBP” means U.S. Cus-
25 toms and Border Protection.

1 (5) **CBP DETENTION FACILITY.**—The term
2 “CBP detention facility” means any of the following
3 facilities that typically detain migrants on behalf of
4 CBP:

5 (A) U.S. Border Patrol station.

6 (B) Port of entry.

7 (C) Checkpoint.

8 (D) Forward operating base.

9 (E) Secondary inspection area.

10 (F) Short-term custody facility.

11 (6) **COMMISSIONER.**—The term “Commis-
12 sioner” means the Commissioner of U.S. Customs
13 and Border Protection.

14 (7) **FORWARD OPERATING BASE.**—The term
15 “forward operating base” means a permanent facil-
16 ity established by CBP in forward or remote loca-
17 tions, and designated as such by the Commissioner.

18 **SEC. 3. TRAINING FOR CERTAIN CBP PERSONNEL IN MEN-**
19 **TAL HEALTH ISSUES.**

20 (a) **TRAINING TO IDENTIFY RISK FACTORS AND**
21 **WARNING SIGNS IN IMMIGRANTS AND REFUGEES.**—

22 (1) **IN GENERAL.**—The Commissioner, in con-
23 sultation with the Assistant Secretary, the Adminis-
24 trator, and nongovernmental experts in the delivery
25 of health care to children in humanitarian crises,

1 shall develop and implement a training curriculum
2 for CBP agents and officers assigned to CBP deten-
3 tion facilities to enable such agents and officers to
4 identify the risk factors and warning signs in immi-
5 grants and refugees of mental health issues relating
6 to trauma.

7 (2) REQUIREMENTS.—The training curriculum
8 required under paragraph (1) shall—

9 (A) apply to all CBP agents and officers
10 working at CBP detention facilities;

11 (B) provide for crisis intervention using a
12 trauma-informed approach; and

13 (C) provide for mental health screenings
14 for immigrants and refugees arriving at the
15 border in their preferred language or with ap-
16 propriate language assistance.

17 (b) TRAINING TO ADDRESS MENTAL HEALTH AND
18 WELLNESS OF CBP AGENTS AND OFFICERS.—

19 (1) IN GENERAL.—The Commissioner, in con-
20 sultation with the Assistant Secretary, the Adminis-
21 trator, and nongovernmental experts in the delivery
22 of mental health care, shall develop and implement
23 a training curriculum for CBP agents and officers
24 assigned to CBP detention facilities to address the

1 mental health and wellness of the individuals work-
2 ing at such facilities.

3 (2) REQUIREMENT.—The training curriculum
4 required under paragraph (1) shall be designed to
5 help CBP agents and officers working at CBP de-
6 tention facilities—

7 (A) to better manage their own stress and
8 the stress of their coworkers; and

9 (B) to be more aware of the psychological
10 pressures experienced during their jobs.

11 (c) ANNUAL REVIEW OF TRAINING.—Beginning on
12 October 1, 2021, the Assistant Secretary shall—

13 (1) conduct an annual review of the training
14 implemented pursuant to subsections (a) and (b);
15 and

16 (2) submit the results of each such review, in-
17 cluding any recommendations for improvement of
18 such training, to—

19 (A) the Commissioner; and

20 (B) the appropriate congressional commit-
21 tees.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to carry out this section—

1 (1) \$50,000 for fiscal year 2021, which shall be
 2 expended to develop the training described in sub-
 3 sections and (a) and (b); and

4 (2) for each of the fiscal years 2022 through
 5 2026—

6 (A) \$20,000 to implement the training de-
 7 scribed in subsections (a) and (b); and

8 (B) such sums as may be necessary to re-
 9 view, and make recommendations for, such
 10 training pursuant to subsection (c).

11 **SEC. 4. STAFFING BORDER FACILITIES AND DETENTION**
 12 **CENTERS.**

13 (a) STAFFING BORDER FACILITIES.—

14 (1) IN GENERAL.—The Commissioner shall as-
 15 sign at least 1 qualified mental or behavioral health
 16 expert to each CBP detention facility to adequately
 17 evaluate the mental health needs of immigrants, ref-
 18 ugees, border patrol agents, and staff.

19 (2) QUALIFICATIONS.—A mental or behavioral
 20 health expert shall be considered to be qualified
 21 under paragraph (1) if he or she—

22 (A) is bilingual;

23 (B) is well-versed in culturally appropriate
 24 and trauma-informed interventions; and

1 (C) has particular expertise in child or ad-
 2 olescent mental health or family mental health.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
 4 authorized to be appropriated \$3,000,000 for each of the
 5 fiscal years 2021 through 2025 to carry out this section.

6 **SEC. 5. NO SHARING OF DEPARTMENT OF HEALTH AND**
 7 **HUMAN SERVICES MENTAL HEALTH INFOR-**
 8 **MATION FOR IMMIGRATION HEARINGS, ASY-**
 9 **LUM DETERMINATIONS, OR REMOVAL PRO-**
 10 **CEEDINGS.**

11 The officers, employees, and agents of the Depart-
 12 ment of Health and Human Services, including the Office
 13 of Refugee Resettlement, may not share with the Depart-
 14 ment of Homeland Security, and the officers, employees,
 15 and agents of the Department of Homeland Security may
 16 not request or receive from the Department of Health and
 17 Human Services, for purposes of an immigration hearing,
 18 an asylum determination, or a deportation proceeding, any
 19 information or record—

20 (1) related to the mental health of an alien; or

21 (2) that was obtained or produced by a mental
 22 or behavioral health professional while the alien was
 23 in a shelter or otherwise in the custody of the Fed-
 24 eral Government.

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